



# NEWS RELEASE

CALIFORNIA SECRETARY OF STATE **KEVIN SHELLEY**

KS03:015

FOR IMMEDIATE RELEASE  
Tuesday, March 25, 2003

Contact: Terri M. Carbaugh  
Shad Balch  
916/653-6575

## **Proposed Recall Petition Cleared for Circulation**

SAN FRANCISCO --- Secretary of State Kevin Shelley announced today that the proponent of an effort to recall the Governor has received clearance to begin collecting petition signatures.

The proponent, Mr. Edward J. Costa, must collect 897,158 signatures of registered voters to qualify the recall for the ballot. The proponent can be reached at (916) 482-6175.

A copy of the circulation calendar is attached.

-30-



SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

March 25, 2003

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Honorable Gray Davis  
Governor, State of California  
State Capitol  
Sacramento, CA 95814

Mr. Edward J. Costa  
6929 Larkspur Avenue  
Citrus Heights, CA 95610  
Representing Recall Proponents

FROM:

  
STEPHEN N. TROUT  
Elections Counsel

SUBJECT: RECALL OF GOVERNOR GRAY DAVIS; CALENDAR OF EVENTS

This memo is a calendar of events relating to the recall of Governor Gray Davis.

**Circulation and Filing Schedule**

1. The minimum number of valid signatures required to qualify the recall – 12% of 7,476,311 votes. Valid signatures must be obtained from at least five counties and in each of those counties must equal at least 1% of the last vote for Governor. (Cal. Const. Art. II, §14(b))..... 897,158
2. Official date proponent can begin circulating petitions. (Elections Code §11042<sup>1</sup>)..... March 25, 2003

<sup>1</sup>All section references (§) are to the California Elections Code unless otherwise noted.

3. Last date for proponent to circulate petition and file with county election officials. (160 days) (Cal. Const. Art. II, §14(a); §11220(a))..... September 2, 2003

4. Last date for election officials to report "raw count." Within eight (8) working days after the last day for filing the petition, election officials shall report to the Secretary of State the total number of "raw count" signatures on the petition. (§§ 11106, 9030(b)).....September 15, 2003

5. County election officials must determine the number of valid signatures 30 days after a recall has been initiated and every 30 days thereafter. After each examination, the county election official certifies the results and submits a blank copy of the petition to the Secretary of State. (§11104) The reporting dates are as follows:

Thursday, April 24, 2003  
Monday, May 27, 2003  
Monday, June 23, 2003  
Wednesday, July 23, 2003  
Friday, August 22, 2003

[The Secretary of State must maintain a continuous count of the signatures certified to that office. (Cal. Const. Art. II, §14(c))]

6. Last day for Secretary of State to certify the sufficiency of the recall petition and transmit such fact to the county election officials, Governor and Lieutenant Governor. (§§11108, 11109).....December 12, 2003<sup>2</sup>

[Once the Secretary of State determines from the certified petitions that there are sufficient signatures on the petition, he must within 10 days transmit such fact to the county election officials and the Lieutenant Governor. (§§11108, 11109)]

7. Lieutenant Governor to call a recall election to be held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures. A recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equals at least 50 percent of all the voters eligible to vote at the recall election.  
(Cal. Const., Art. II §15; §11110).....Cert. date+60≤Election Date≤Cert.date+80

<sup>2</sup>This date varies with receipt of certification from counties. This date is based on the possibility that the petition requires election officials in counties in which a random sample verification process was used to verify signatures by full count procedures. The process allows 30 working days to complete a random sample verification process and 30 working days to complete a full count verification, if needed.

## Election

1. Last date candidate may file nomination papers with the county election official. (§11381(a))..... E-59
2. Last date Secretary of State to certify names of candidates to county election officials. (§11381(b))..... E-55

[If the majority vote on the question is to recall, the Governor is removed and the candidate who receives a plurality is the successor. The Governor may not be a candidate. (Cal. Const. Art. II, §15)]

## Miscellaneous

1. California law prohibits the use of signatures, names and addresses gathered on recall petitions for any purpose other than to qualify the recall for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. §18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980)
2. Petition Circulators: The recall petition may be circulated by any registered voter qualified to vote for the officer sought to be recalled. (§11045)
3. Petition Signers: The recall petition may be signed by any registered voter qualified to vote for the officer sought to be recalled. (§11045) A signer must *personally* affix his or her residence address and printed name along with the signature. (§100)
4. Filing Petitions: Proponents must file each section of the petition with the election official of the county in which it was circulated. (§11102) Sections may be filed continuously and at any time during the 160-day circulating period.
5. Disclosure Requirements: Proponents of recalls, officers sought to be recalled and candidates seeking to replace a recalled officer may have disclosure requirements under the Political Reform Act (Government Code §81000 *et seq.*) Questions should be directed to the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California 95814 or telephone (916) 322-5660.